

EXHIBIT E

Plaintiff's Twelfth Supplement to Initial Disclosures Pursuant to FRCP 26(e), dated
January 26, 2021

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Attorneys for Plaintiff and Counter-Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LAS VEGAS SUN, INC., a Nevada
corporation,

Plaintiff,

v.

SHELDON ADELSON, an individual and as
the alter ego of News+Media Capital Group
LLC and as the alter ego of Las Vegas Review
Journal, Inc.; PATRICK DUMONT, an
individual; NEWS+MEDIA CAPITAL GROUP
LLC, a Delaware limited liability company;
LAS VEGAS REVIEW-JOURNAL, INC., a
Delaware corporation; and DOES, I-X,
inclusive,

Defendants.

Case No. 2:19-CV-01667-GMN-VCF

**PLAINTIFF AND COUNTER-
DEFENDANTS' TWELFTH
SUPPLEMENT TO INITIAL
DISCLOSURES PURSUANT TO FED. R.
CIV. P. 26(e)**

1 LAS VEGAS REVIEW-JOURNAL, INC., a
2 Delaware corporation,

3 Counterclaimant,

4 v.

5 LAS VEGAS SUN, INC. a Nevada corporation;
6 BRIAN GREENSPUN, an individual and as the
7 alter ego of Las Vegas Sun, Inc.; GREENSPUN
8 MEDIA GROUP, LLC, a Nevada limited
9 liability company, as the alter ego of Las Vegas
10 Sun, Inc.

11 Counterclaim Defendants.

12 Pursuant to Federal Rules of Civil Procedure 26(a)(1) and 26(e), Plaintiff Las Vegas Sun,
13 Inc., and Counterdefendants Brian Greenspun and Greenspun Media Group, LLC (collectively, the
14 “Sun”), by and through their counsel of Lewis Roca Rothgerber Christie LLP, Pisanelli Bice PLLC,
15 and Alioto Law Firm, provides this supplement to Initial Disclosures. **The supplemental
16 information is identified in bolded font.** The Sun reserves the right to revise, correct, supplement,
17 or clarify its disclosures, consistent with Rule 26(e) of the Federal Rules of Civil Procedure.

18 The Sun’s disclosure represents a good-faith effort to identify discoverable information
19 reasonably available to it that it currently reasonably believes may be discoverable at this time
20 pursuant to Rule 26. The Sun does not purport to identify every individual, document, data
21 compilation, or tangible thing possibly relevant to this lawsuit. Furthermore, the Sun makes this
22 disclosure without waiving its right to object to the production of any document, data compilation,
23 or tangible thing disclosed on the basis of any privilege, work product, trade secret, relevancy,
24 undue burden, or other valid objection. While making this disclosure, the Sun reserves, among other
25 rights, its right to object: (1) on the grounds of competency, privilege, work product, trade secret,
26 relevancy and materiality, admissibility, hearsay, or any other proper ground to the use of any
27 disclosed information, for any purpose, in whole or in part, in this action or any other action; and
28 (2) on any and all proper grounds, at any time, to any discovery request or motion relating to the
subject matter of this disclosure. The following disclosure is made subject to the above-stated

1 objections and qualifications.

2 **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION.**

3 Based upon the information currently available to the Sun, the following individuals are
4 disclosed pursuant to Federal Rule of Civil Procedure 16.1(a)(1)(A)(i) as being likely to have
5 discoverable information that the Sun may use to support its claims:

- 6 1. Brian Greenspun
7 President of Las Vegas Sun, Inc., and Member-manager of Greenspun Media Group,
8 LLC¹
9 c/o Leif Reid, Esq., Kristen Martini, Esq., and Nicole Scott, Esq.
10 Lewis Roca Rothgerber Christie LLP
11 One East Liberty Street, Suite 300
12 Reno, Nevada 89501

13 Mr. Greenspun is the owner and publisher for the Sun and has personal knowledge of the
14 creation, terms, and enforcement of the 2005 JOA, and the parties' operations under the joint
15 operating agreement. Mr. Greenspun has been involved in communications with Defendants'
16 representatives regarding, and has knowledge of, Defendants' conduct alleged in this action.

- 17 2. Robert Cauthorn
18 Chief Operating Officer of Greenspun Media Group, LLC
19 c/o Leif Reid, Esq., Kristen Martini, Esq., and Nicole Scott, Esq.
20 Lewis Roca Rothgerber Christie LLP
21 One East Liberty Street, Suite 300
22 Reno, Nevada 89501

23 Mr. Cauthorn has personal knowledge of the terms and enforcement of the 2005 JOA, and
24 the parties' operations under the joint operating agreement. Mr. Cauthorn has been involved in
25 communications with Defendants' representatives regarding, and has knowledge of, Defendants'
26 conduct alleged in this action.

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¹ Greenspun Media Group, LLC, owns the Las Vegas Sun, Inc.

1 3. Jason Taylor
2 President at New Media Investment Group Ventures & President at GateHouse Live
3 and Former Publisher of Las Vegas Review-Journal
4 c/o F. Chris Austin, Esq.
5 Weide & Miller, Ltd.
6 10655 Park Run Drive, Suite 100
7 Las Vegas, Nevada 89144

8 Mr. Taylor has personal knowledge of the terms and enforcement of the 2005 JOA, and the
9 parties' operations under the joint operating agreement. Mr. Taylor has been involved in
10 communications with Defendants and Defendants' representatives regarding, and has knowledge
11 of, Defendants' conduct alleged in this action.

12 4. Sheldon Adelson
13 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
14 Kemp Jones, LLP
15 3880 Howard Hughes Parkway, 17th Floor
16 Las Vegas, Nevada 89169

17 Mr. Adelson has personal knowledge of the terms and enforcement of the 2005 JOA, and
18 the parties' operations under the joint operating agreement. Mr. Adelson has been involved in
19 directing Defendants and Defendants' representatives conduct alleged in this action, as well as
20 involved in communications with the Sun, and with Defendants and Defendants' representatives
21 regarding, and has knowledge of, Defendants' conduct alleged in this action.

22 5. Patrick Dumont
23 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
24 Kemp Jones, LLP
25 3880 Howard Hughes Parkway, 17th Floor
26 Las Vegas, Nevada 89169

27 Mr. Dumont has personal knowledge of the terms and enforcement of the 2005 JOA, and
28 the parties' operations under the joint operating agreement. Mr. Dumont has been involved in
29 directing Defendants and Defendants' representatives conduct alleged in this action, as well as
30 involved in communications with the Sun, and with Defendants and Defendants' representatives
31 regarding, and has knowledge of, Defendants' conduct alleged in this action.

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1 6. News+Media Group, LLC (“News+Media”) Fed. R. Civ. P. 30(b)(6) witness(es)
2 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
3 Kemp Jones, LLP
4 3880 Howard Hughes Parkway, 17th Floor
5 Las Vegas, Nevada 89169

6 News+Media’s Fed. R. Civ. P. 30(b)(6) witness(es) has information regarding Defendants’
7 conduct alleged in this action, as well as the parties’ operation under the joint operating agreement,
8 Defendants’ conduct during the state court proceedings before the Clark County District Court,
9 State of Nevada, styled as, *Las Vegas Sun, Inc. v. News+Media Capital Group LLC, et al*, Case
10 No. A-18-772591-B (hereinafter “State Court Action”), and Defendants’ conduct during the
11 arbitration proceedings before the American Arbitration Association in AAA, styled as, *Las Vegas*
12 *Sun, Inc. v. News+Media Capital Group LLC, et al.*, Case No. 01-18-0000-7567.

13 7. Las Vegas Review-Journal, Inc.’s (“Review-Journal”) Fed. R. Civ. P. 30(b)(6)
14 witness(es)
15 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
16 Kemp Jones, LLP
17 3880 Howard Hughes Parkway, 17th Floor
18 Las Vegas, Nevada 89169

19 The Review-Journal’s Fed. R. Civ. P. 30(b)(6) witness(es) has information regarding the
20 creation, terms, and enforcement of the 2005 JOA, the parties’ operation under the joint operating
21 agreement, Defendants’ conduct alleged in this action, Defendants’ conduct alleged in the State
22 Court Action, and Defendants’ conduct during the arbitration proceedings before the American
23 Arbitration Association in AAA, styled as, *Las Vegas Sun, Inc. v. News+Media Capital Group*
24 *LLC, et al.*, Case No. 01-18-0000-7567.

25 8. Keith Moyer
26 Publisher, Chief Executive Officer and Editor of the Review-Journal
27 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
28 Kemp Jones, LLP
 3880 Howard Hughes Parkway, 17th Floor
 Las Vegas, Nevada 89169

 Mr. Moyer has information regarding Defendants’ conduct alleged in this action, the
parties’ operation under the joint operating agreement, Defendants’ conduct alleged in the State

1 Court Action, and Defendants' conduct during the arbitration proceedings before the American
2 Arbitration Association in AAA, styled as, *Las Vegas Sun, Inc. v. News+Media Capital Group*
3 *LLC, et al.*, Case No. 01-18-0000-7567.

4 9. Craig Moon
5 Former Publisher of the Review-Journal
6 631 Ascot Close
7 Brentwood, Tennessee 37027
8 Tel: (202) 965-1202

9 Mr. Moon has information regarding the parties' operation under the joint operating
10 agreement. Mr. Moon has also been involved with communications with Defendants and
11 Defendants' representatives regarding, and has knowledge of, Defendants' conduct alleged in this
12 action.

13 10. Frank Vega
14 399 S. Atlantic Avenue
15 Cocoa Beach, Florida 32931
16 Tel: (321) 704-9647

17 Upon information and belief, Mr. Vega was and is a consultant for Defendants who was
18 involved in the decision-making process concerning Defendants' conduct in this action. Mr. Vega
19 also has information regarding the parties' operation under the joint operating agreement,
20 Defendants' conduct alleged in the State Court Action, and Defendants' conduct during the
21 arbitration proceedings before the American Arbitration Association in AAA, styled as, *Las Vegas*
22 *Sun, Inc. v. News+Media Capital Group LLC, et al.*, Case No. 01-18-0000-7567.

23 11. DR Partners d/b/a Stevens Media Group's ("DR Partners") Fed. R. Civ. P. 30(b)(6)
24 witness(es)
25 P.O. Box 70
26 Las Vegas, Nevada 89125

27 DR Partners' Fed. R. Civ. P. 30(b)(6) witness(es) has knowledge and information regarding
28 the parties' interpretation of the 2005 JOA and course of dealing thereunder. DR Partners' Fed. R.
Civ. P. 30(b)(6) witness(es) also has knowledge and information regarding the creation, terms, and
enforcement of the 2005 JOA, and the parties' operation under the joint operating agreement.

1 12. J. Ford Huffman
2 900 Hughes Mews NW
3 Washington, D.C. 20037

4 Upon information and belief, Mr. Huffman was a consultant for Defendants who was
5 involved in the decision-making process concerning Defendants' redesign of the newspapers. Mr.
6 Huffman also has information regarding the parties' operation under the joint operating agreement,
7 and Defendants' conduct alleged in the State Court Action. Mr. Huffman has also been involved
8 with communications with Defendants and Defendants' representatives regarding, and has
9 knowledge of, Defendants' conduct alleged in this action.

10 13. Gabriel Utasi
11 Current Address Unknown

12 Mr. Utasi has information regarding Defendants' conduct alleged in this action, including
13 the redesign of the newspapers. Mr. Utasi also has information regarding the parties' operation
14 under the joint operating agreement, and upon information and belief, Mr. Utasi has been involved
15 with communications with Defendants and Defendants' representatives regarding, and has
16 knowledge of, Defendants' conduct alleged in this action.

17 14. Paul Doyle
18 Design Lead of the Review-Journal
19 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
20 Kemp Jones, LLP
21 3880 Howard Hughes Parkway, 17th Floor
22 Las Vegas, Nevada 89169

23 Mr. Doyle has information regarding Defendants' Defendants' conduct alleged in this
24 action including the redesign of the newspapers. Mr. Doyle also has information regarding the
25 parties' operation under the joint operating agreement, and upon information and belief, Mr. Doyle
26 has been involved with communications with Defendants and Defendants' representatives
27 regarding, and has knowledge of, Defendants' conduct alleged in this action.

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1 15. Glenn Cook
2 Executive Editor of the Review-Journal
3 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
4 Kemp Jones, LLP
5 3880 Howard Hughes Parkway, 17th Floor
6 Las Vegas, Nevada 89169

7 Mr. Cook has information regarding Defendants' conduct alleged in this action, including
8 the redesign of the newspapers. Mr. Doyle also has information regarding the parties' operation
9 under the joint operating agreement, and upon information and belief, Mr. Doyle has been involved
10 with communications with Defendants and Defendants' representatives regarding, and has
11 knowledge of, Defendants' conduct alleged in this action.

12 16. Jennifer Wilson
13 Executive Assistant of the Review-Journal
14 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
15 Kemp Jones, LLP
16 3880 Howard Hughes Parkway, 17th Floor
17 Las Vegas, Nevada 89169

18 Ms. Wilson has information regarding Defendants' conduct alleged in this action. Ms.
19 Wilson also has information regarding the parties' operation under the joint operating agreement,
20 and upon information and belief, Ms. Wilson has been involved with communications with
21 Defendants and Defendants' representatives regarding, and has knowledge of, Defendants' conduct
22 alleged in this action.

23 17. Dr. Miriam Adelson
24 901 Trophy Hills Drive
25 Las Vegas, Nevada 89134

26 Dr. Adelson has been involved in directing Defendants and Defendants' representatives
27 conduct alleged in this action, as well as involved in communications with Defendants and
28 Defendants' representatives regarding, and has knowledge of, Defendants' conduct alleged in this
29 action.

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1 18. BDO USA, LLP (“BDO”) Fed. R. Civ. P. 30(b)(6) witness(es)
2 c/o Steven DeGeorge
3 Associate General Counsel
4 100 Park Avenue
5 New York, New York 10017

6 BDO’s Fed. R. Civ. P. 30(b)(6) witness(es) has knowledge and information regarding the
7 various audits of the Review-Journal and its affiliates, and the Review-Journal’s compliance with
8 GAAP. BDO also has knowledge related to the 2005 JOA, and the parties’ operations under the
9 joint operating agreement.

10 19. Armanino LLP (“Armanino”) Fed. R. Civ. P. 30(b)(6) witness(es)
11 c/o Astine Alaverdyan
12 Associate General Counsel
13 12657 Alcosta Boulevard, Suite 500
14 San Ramon, California 94583

15 Armanino’s Fed. R. Civ. P. 30(b)(6) witness(es) has knowledge and information regarding
16 the various audits of the Review-Journal and its affiliates, and the Review-Journal’s compliance
17 with GAAP. Armanino also has knowledge related to the 2005 JOA, and the parties’ operations
18 under the joint operating agreement.

19 20. **Alan Marx**
20 **King & Ballow**
21 **315 Union Street, Eleventh Floor**
22 **Nashville, Tennessee 37201**
23 **(615) 726-5455**

24 Mr. Marx is a lawyer and former Antitrust Division Section Chief who represented the Sun
25 in the Sun’s and the Review-Journal’s joint submission of the 2005 Amended JOA to the United
26 States Department of Justice, and he has personal knowledge of the parties’ undertaking and the
27 DOJ’s process.

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1 **21. Ray Brewer**
2 **c/o Leif Reid, Esq., Kristen Martini, Esq., and Nicole Scott, Esq.**
3 **Lewis Roca Rothgerber Christie LLP**
4 **One East Liberty Street, Suite 300**
5 **Reno, Nevada 89501**

6 Mr. Brewer is the Managing Editor for the Las Vegas Sun and has personal knowledge of
7 the Sun's reportorial and editorial news coverage.

8 **22. Ric Anderson**
9 **c/o Leif Reid, Esq., Kristen Martini, Esq., and Nicole Scott, Esq.**
10 **Lewis Roca Rothgerber Christie LLP**
11 **One East Liberty Street, Suite 300**
12 **Reno, Nevada 89501**

13 Mr. Anderson is the Editorial Page Editor and former Managing Editor for the Las Vegas
14 Sun and has personal knowledge of the Sun's reportorial and editorial news coverage.

15 **23. Steve O'Connor**
16 **Chief Financial Officer of Interface Operations dba Adfam and President of**
17 **the Las Vegas Review Journal**
18 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
19 **Kemp Jones, LLP**
20 **3880 Howard Hughes Parkway, 17th Floor**
21 **Las Vegas, Nevada 89169**

22 Mr. O'Connor has information regarding Defendants' conduct alleged in this action,
23 including Defendant Sheldon Adelson's role and responsibilities with the Las Vegas Review
24 Journal, as well as Mr. Adelson's editorial influence. Upon information and belief, Mr. O'Connor
25 has been involved with communications with Defendants and Defendants' representatives
26 regarding, and has knowledge of, Defendants' conduct alleged in this action.

27 **24. Steven Garfinkel**
28 **In-house counsel for Interface Operations dba Adfam**
 c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.
 Kemp Jones, LLP
 3880 Howard Hughes Parkway, 17th Floor
 Las Vegas, Nevada 89169

 Mr. Garfinkel has information regarding Defendants' conduct alleged in this action,
including Defendants' compliance with the 2005 Joint Operating Agreement and the contemplated
purchase of the Las Vegas Sun. Upon information and belief, Mr. Garfinkel has been involved with

1 communications with Defendants and Defendants' representatives regarding, and has knowledge
2 of, Defendants' conduct alleged in this action.

3 **25. Calvin Siemer**

4 **Senior Vice President Deputy Global General Counsel for Las Vegas Sands**
5 **Corporation**
6 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
7 **Kemp Jones, LLP**
8 **3880 Howard Hughes Parkway, 17th Floor**
9 **Las Vegas, Nevada 89169**

10 Mr. Siemer has information regarding Defendants' conduct alleged in this action, including
11 Defendants' interactions with the Las Vegas Sun and anticipated litigation. Upon information and
12 belief, Mr. Siemer has been involved with communications with Defendants and Defendants'
13 representatives regarding, and has knowledge of, Defendants' conduct alleged in this action.

14 **26. Todd Nelson**

15 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
16 **Kemp Jones, LLP**
17 **3880 Howard Hughes Parkway, 17th Floor**
18 **Las Vegas, Nevada 89169**

19 Mr. Nelson has information regarding Defendants' conduct alleged in this action. Upon
20 information and belief, Mr. Nelson has information regarding Defendants' acquisition of the
21 Review-Journal and the parties' operation under the joint operating agreement, and Mr. Nelson has
22 been involved with communications with Defendants and Defendants' representatives regarding,
23 and has knowledge of, Defendants' conduct alleged in this action.

24 **27. Sivan Ochshorn Dumont**

25 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
26 **Kemp Jones, LLP**
27 **3880 Howard Hughes Parkway, 17th Floor**
28 **Las Vegas, Nevada 89169**

Ms. Ochshorn has information regarding Defendants' conduct alleged in this action. Upon
information and belief, Ms. Ochshorn has information regarding Defendants' acquisition of the
Review-Journal and the parties' operation under the joint operating agreement, and Ms. Ochshorn
has been involved with communications with Defendants and Defendants' representatives
regarding, and has knowledge of, Defendants' conduct alleged in this action.

1 **28. David Leake**
 2 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
 3 **Kemp Jones, LLP**
 4 **3880 Howard Hughes Parkway, 17th Floor**
 Las Vegas, Nevada 89169

5 Mr. Leake has information regarding Defendants' conduct alleged in this action. Upon
 6 information and belief, Mr. Leake has information regarding Defendants' acquisition of the
 7 Review-Journal and the parties' operation under the joint operating agreement, and Mr. Leake has
 8 been involved with communications with Defendants and Defendants' representatives regarding,
 and has knowledge of, Defendants' conduct alleged in this action.

9 **29. Dave Bloom**
 10 **c/o J. Randall Jones, Esq., Michael J. Gayan, Esq., and Mona Kaveh, Esq.**
 11 **Kemp Jones, LLP**
 12 **3880 Howard Hughes Parkway, 17th Floor**
 Las Vegas, Nevada 89169

13 Mr. Bloom has information regarding Defendants' conduct alleged in this action. Upon
 14 information and belief, Mr. Bloom has information regarding Defendants' acquisition of the
 15 Review-Journal and the parties' operation under the joint operating agreement, and Mr. Bloom has
 16 been involved with communications with Defendants and Defendants' representatives regarding,
 17 and has knowledge of, Defendants' conduct alleged in this action.

18 **30. Russel Pergament**
 19 **37 Holly Road**
 Waban, Massachusetts 02468

20 Mr. Pergament has information regarding Defendants' conduct alleged in this action. Upon
 21 information and belief, Mr. Pergament has information regarding Defendants' acquisition of the
 22 Review-Journal and the parties' operation under the joint operating agreement, and Mr. Pergament
 23 has been involved with communications with Defendants and Defendants' representatives
 24 regarding, and has knowledge of, Defendants' conduct alleged in this action.

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1 **31. Michael Schroeder**
 2 **c/o Leonard M. Braman, Esq.**
 3 **Wofsey, Rosen, Kweskin & Kuriansky, LLP**
 4 **600 Summer Street**
 Stamford, Connecticut 06901

5 Mr. Schroeder has information regarding Defendants' conduct alleged in this action,
 6 including his role as the then-manager of News+Media Capital Group LLC. Upon information and
 7 belief, Mr. Schroeder has information regarding Defendants' acquisition of the Review-Journal and
 8 the parties' operation under the joint operating agreement, and Mr. Schroeder has been involved
 9 with Defendants and Defendants' representatives regarding, and has knowledge of, Defendants'
 10 conduct alleged in this action.

11 **32. Don Nizen**
 12 **4201 N. Ocean Boulevard, Apt. C1506**
 Boca Raton, Florida 33431

13 Mr. Nizen has information regarding Defendants' conduct alleged in this action. Upon
 14 information and belief, Mr. Nizen has information regarding Defendants' acquisition of the
 15 Review-Journal and the parties' operation under the joint operating agreement, and Mr. Nizen has
 16 been involved with communications with Defendants and Defendants' representatives regarding,
 17 and has knowledge of, Defendants' conduct alleged in this action.

18 The Sun further identifies all witnesses identified by any Defendant in this action.

19 **II. LIST OF DOCUMENTS AND TANGIBLE THINGS.**

20 Based upon the information currently available, the Sun identifies as discoverable
 21 documents, pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii), the following documents
 22 by category:

23 1. The Exhibits attached to the Sun's Opposition to Las Vegas Review-Journal, Inc.,
 24 and News+Media Capital Group LLC's Motion to Dismiss Complaint (Federal Rule of Civil
 25 Procedure 12(b)(6) (ECF No. 20) and Defendant Sheldon Adelson and Patrick Dumont's Joinder
 26 Therein (ECF No. 22).

27 2. The front page of the Newspapers, as that term is defined in the 2005 JOA, published
 28

1 daily since April 1, 2017.

2 3. Communications in the possession, custody, and control of the Sun and Review-
3 Journal consisting of emails exchanged between them regarding Defendants' conduct alleged in
4 this action, including the emails produced in the state-court action between Las Vegas Sun, Inc.,
5 and Defendants News+Media Capital Group LLC and Las Vegas Review-Journal, Inc., in the case
6 styled as *Las Vegas Sun, Inc. v. News+Media Capital Group LLC, et al.*, Case No. A-18-772591-
7 B (the "State Court Action").

8 4. The pleadings and papers filed in the related State Court Action.

9 5. Documents and communications submitted in the American Arbitration Association
10 proceeding, styled as, *Las Vegas Sun, Inc. v. News+Media Capital Group LLC, et al.*, Case No. 01-
11 18-0000-7567, prior to the initiation of this action.

12 6. The pleadings and papers filed in the prior action between the Las Vegas Sun, Inc.,
13 and Defendants' predecessor-in-interest, DR Partners d/b/a Stephens Media Group, styled as *Las*
14 *Vegas Sun, Inc. v. DR Partners*, Case No. A-15-715008-B.

15 7. The briefs and papers filed, and orders issued in, the Nevada Supreme Court Case,
16 *DR Partners v. Las Vegas Sun, Inc.*, Case No. 68700.

17 8. Documents produced via ShareFile on July 8, 2020, Bates numbered
18 SUN_00000001 through SUN_00011015.

19 9. Documents produced via ShareFile on July 13, 2020, Bates numbered
20 SUN_00011016 through SUN_00012219, SUN_BDO_00000001 through SUN_BDO_00000004,
21 and BDO-LVRJ 000001 through BDO-LVRJ 000020.

22 10. Document produced via ShareFile on July 22, 2020, pursuant to the July 20, 2020,
23 Court Order, Bates numbered SUN_00012220.

24 11. Documents produced via ShareFile on August 27, 2020, Bates numbered
25 SUN_00012221 through SUN_00024496.

26 12. Documents produced via ShareFile on September 10, 2020, Bates numbered
27 SUN_00024497 through SUN_00025138.

13. Documents produced via ShareFile on September 18, 2020, Bates numbered SUN_BDO_00000005, BDO-LVRJ 000021 through BDO-LVRJ 009862, SUN_CAIN_00000001 through SUN_CAIN_00000992, and SUN_00025139 through SUN_00053226.

14. Documents produced via ShareFile on October 14, 2020, Bates numbered SUN_00053227 through SUN_00053267.

15. Documents produced via ShareFile on October 28, 2020, Bates numbered SUN_BDO_00000006 through SUN_BDO_00000007, BDO-LVRJ 009863 through BDO-LVRJ 010619, and SUN_STEPHENS_00000001 through SUN_STEPHENS_00000012.

16. Documents produced via ShareFile on December 31, 2020, Bates numbered SUN_00053258 through SUN_00053799.

17. Documents produced via ShareFile on January 14, 2021, Bates numbered SUN_00053800 through SUN_00055085, SUNPRIV_CAIN_00000200 through SUNPRIV_CAIN_00000203, and SUNPRIV_CAIN_00000897 through SUNPRIV_CAIN_00000901.

18. Documents produced via ShareFile on January 20, 2021, Bates numbered SCHROEDER 000001 through SCHROEDER 000061.

19. Documents produced via ShareFile on January 26, 2021, Bates numbered SUNPRIV_CAIN_00000268 through SUNPRIV_CAIN_00000269 and SUNPRIV_CAIN_00000303.

The Sun reserves the right to amend or supplement this disclosure as discovery proceeds. The Sun further identifies all documents or tangible items identified by any other party in this action or obtained through production by any third party.

III. COMPUTATION OF DAMAGES.

The Las Vegas Sun is entitled to an Order for injunctive relief related to the disputes arising from violations of the Sherman Act, the Clayton Act, and the Nevada Unfair Trade Practices Act, as it has, and is, suffering irreparable harm from Defendants' conduct. The Las Vegas Sun is also entitled to recover its actual damages that flow, directly or indirectly, from the effect of Defendants'

1 antitrust violations and anticompetitive conduct, and treble damages, attorney fees, costs, and
2 interest, as a result of Defendants' violations. These damages include past damages in the form of
3 lost profits since Defendants purchased the Review-Journal on December 10, 2015, to present.
4 These lost profits include those lost as a result of Defendants' accounting abuses affecting the joint
5 operation, the consequences of which suppress revenue and inflate costs to the joint operation. The
6 accounting abuses include Defendants' improper charging of the Review-Journal's news and
7 editorial costs, promotional costs, and digital operations' expenses to the joint operation.

8 The Las Vegas Sun has also suffered lost profits arising from operational abuses to the joint
9 operation, including Defendants' failure to promote the Sun, diminishing the Sun's visibility by
10 redesigning the Sun Box and obstructing the Sun's front-page presence, removal of the Sun from
11 the E-Replica Edition of the Newspapers, removal of a publisher with a proven record of turning
12 around declining newspapers and installing a replacement publisher to execute Defendants' scheme
13 to eliminate the Sun, and other harmful operational decisions that diminished the profitability of
14 the joint operation and rendered the combined Newspapers significantly weaker. Defendants have
15 only recently produced complete financial documents for the joint operation and the Review-
16 Journal's digital operations revealing the Review-Journal's decisions undertaken with respect to
17 the joint operation. The Sun will supplement this disclosure with additional subcategories of
18 accounting and operational abuses uncovered upon review and analysis of the documents.

19 In order to ascertain the specific profits lost from Defendants' accounting and operational
20 abuses, the Sun's experts will need to identify the improper expenses charged and the financial
21 effects of Defendants' operating abuses on the joint operation. Once those abuses are identified,
22 the Sun's experts will be able to perform calculations removing those improper charges from the
23 joint operation's reported accounting to rectify the joint operation's EBITDA in order to determine
24 the joint operation's financial position "but-for" Defendants' accounting and operational abuses.
25 Once the Sun's experts are able to calculate the joint operation's but-for EBITDA, the Sun's experts
26 will be able to calculate the Sun's lost profits in accordance with the profit-sharing arrangement set
27 forth in the JOA. The Sun's experts have not yet completed their analyses. However, to date, the
28

1 Sun is able to identify Defendants' improper editorial and promotional expense charges to the joint
2 operation as exceeding \$64 million for the time period of December 10, 2015, to March 31, 2020.

3 The Sun is also seeking damages for the diminution in value to the joint operation and the
4 Las Vegas Sun, harm to the Las Vegas Sun brand, and attorney fees and costs incurred in defending
5 against and as a direct and proximate cause of Defendants News+Media Capital Group LLC and
6 Las Vegas Review-Journal, Inc.'s sham Counterclaim filed in the State Court Action **and the**
7 **instant Counterclaim**. The Sun is also seeking future damages for harm that Defendants have
8 inflicted on the Las Vegas Sun's brand and goodwill.

9 Since the mathematical formulas for each of these categories rely on the assistance of
10 experts, the Sun will provide its computations for each category at the expert disclosure deadline
11 as allowed by the Court's December 17, 2020, hearing. ECF No. 275 at 16-23. Additionally,
12 because the information needed to make a calculation of damages has been dependent on
13 information in the possession of Defendants, which was only recently provided on December 18,
14 2020, despite repeated requests by the Sun as far back as June of this year, the Sun will supplement
15 its disclosures with those computations of the above-identified damages that the Sun is able to
16 ascertain from Defendants' recent production, which is the subject of the Sun's contemporaneously
17 filed motion requesting a 14-day extension of time to comply with the Court's December 21, 2020,
18 Order (ECF No. 275). *See* Adv. Comm. Note to 1993 Amendments. Moreover, because "complex"²
19 antitrust cases such as this, which invariably involve complicated questions of damages
20 necessitating expert testimony, the Sun's antitrust damages are appropriately the subject of expert
21 evidence and the Sun's damage disclosure obligation is controlled by the expert disclosure rule set
22 forth in Federal Rule of Civil Procedure 26(a)(2). Such expert analyses, testimony, and damage
23 calculations will be developed and disclosed pursuant to the schedule set forth in the parties'
24 stipulated discovery plan and scheduling order, and this damage calculation will be supplemented
25 thereafter, accordingly. Additionally, given the procedural posture of this action, the amount of

26
27 ² *See* ECF No. 43 (Defs.' Mot. to Stay Discovery) at 10 ("Plaintiff's 158-paragraph complaint
28 alleges numerous, complex antitrust violations . . .").

1 attorney fees and costs the Sun will ultimately seek to recover from Defendants is currently
2 unknown but accruing.

3 The Sun reserves the right to supplement these disclosures in accordance with Federal Rule
4 of Civil Procedure 26(e).

5 **IV. INSURANCE AGREEMENTS.**

6 None.

7 DATED this 26th day of January, 2021.

8 LEWIS ROCA ROTHGERBER CHRISTIE LLP

9
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CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Lewis Roca Rothgerber Christie LLP, and that on the 26th day of January, 2021, I caused the foregoing **PLAINTIFF AND COUNTER-DEFENDANTS' TWELFTH SUPPLEMENT TO INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(e)** to be served by electronic mail upon the following:

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